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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 \* \* \*  
9 JAMIE CLARK, )  
10 Plaintiff, ) 3:08-cv-0158-LRH-VPC  
11 v. )  
12 METROPOLITAN LIFE INSURANCE )  
13 COMPANY, )  
14 Defendant. )  
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15 Before the court is defendant Metropolitan Life Insurance Company's ("MetLife") motion  
16 for leave to file under seal a supplement in support of its motion to redact (Doc. #123). Doc. #124.

17 MetLife requests leave pursuant to the stipulated protective order regarding confidentiality  
18 of discovery material which provides that any party that wishes to file or submit as part of the court  
19 record any material subject to the protective order must first file a motion for leave to file such  
20 materials under seal with the court. Doc. #65. MetLife argues that its memorandum refers to  
21 materials deemed and designated as confidential.

22 As an initial matter, the court is acutely cognizant of the presumption in favor of public  
23 access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir.  
24 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that  
25 presumption by showing that the materials are covered by an operative protective order and are also  
26 deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th

1 Cir. 2005). Specifically, a party must “articulate compelling reasons supported by specific factual  
2 findings that outweigh the general history of access and the public policies favoring disclosure.”  
3 *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citations  
4 omitted).

5 Here, MetLife has not put forth any compelling reasons for sealing the requested documents  
6 other than the information is covered by the broad protective order entered in this matter. MetLife  
7 has not met its burden to overcome the presumption in favor of public access to court documents.  
8 Accordingly, MetLife’s motion for leave shall be denied.

9 IT IS THEREFORE ORDERED that defendant’s motion for leave to file under seal  
10 (Doc. #124) is DENIED.

11 IT IS SO ORDERED.

12 DATED this 16<sup>th</sup> day of March, 2010.  
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14 LARRY R. HICKS  
15 UNITED STATES DISTRICT JUDGE  
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